

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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FRANCIS VINCENT GADZIK,

Plaintiff,

v.

DOLLAR THRIFTY AUTOMOTIVE GROUP  
and DOLLAR THRIFTY GROUP,

Defendants.  
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ORDER

09-cv-434-bbc

In an order entered in this case on August 20, 2009, I advised plaintiff that it was his responsibility to serve his complaint on defendants and file proof of service. I noted that Fed. R. Civ. P. 4(m) allows a plaintiff 120 days after filing a complaint in which to serve the defendant, but that the 120-day deadline is the outside limit. I advised plaintiff that if he acted diligently, he should be able to serve his complaint on the defendant and file proof of service by October 14, 2009. In addition, I provided plaintiff a memorandum describing how to serve a complaint on a corporation in a federal lawsuit and the forms he needed to accomplish service. To date, plaintiff has not filed proof of service of his complaint upon the defendant or explained his failure to do so. Indeed, he has not corresponded with the court

about his case since he paid the filing fee on August 13, 2009. At this point, I believe it is prudent to require plaintiff to communicate to the court in writing to inform it of the steps he has taken to serve his complaint on the defendant. Although the outside deadline for serving the complaint remains November 6, 2009, there is no point in keeping this case open if plaintiff has abandoned prosecution of it.

ORDER

IT IS ORDERED that plaintiff may have until October 30, 2009, in which to advise the court in writing of the steps he has taken to serve his complaint on the defendant. If, by October 30, 2009, plaintiff fails to respond to this order, the clerk of court is to enter judgment dismissing this action without prejudice for plaintiff's failure to prosecute.

Entered this 21<sup>st</sup> day of October, 2009.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge